

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2007 JAN -9 A 8:27

UNITED STATES OF AMERICA)

v.)

Criminal No. 1:06-cr-00071-SM

**ELAINE A. BROWN, and)
EDWARD LEWIS BROWN,)
Defendants)**

**DEFENDANT'S PROPOSED STATEMENT OF THE CASE
AND VOIR DIRE QUESTIONS**

PROPOSED VOIR DIRE QUESTIONS

Ladies and gentlemen, it is extremely important to both the prosecution and the defense that the jury seated in this case be fair and impartial. Many people have had experiences in their lives which influence the way they think about certain things. These experiences can affect the way a prospective juror will act in a case and whether that prospective juror can accept and apply the law as it is to a certain factual situation. A person may be qualified to sit as a juror in one kind of case but not in another. We are now about to pick a jury in this case.

I. DESCRIPTION OF CASE

On April 5, 2006, a grand jury made an indictment charging the defendants with a variety of tax offenses. The indictment charges both defendants with one count of conspiracy to defraud the United States, one count of conspiracy to structure financial transactions and

one count of avoiding the currency transaction requirements. The indictment also charges Elaine Brown with five counts of tax evasion, eight counts of failing to collect employment taxes and one count of structuring. The defendants were arraigned on May 24, 2006. At their arraignments, the defendants entered pleas of not guilty to all counts.

II. VOIR DIRE

The Defendants hereby request that in addition to the Court's usual voir dire the following questions also be asked of the panel. It is important that you each answer the following questions truthfully and accurately.

1. A fundamental principle of our legal system is that when a person is charged with a criminal offense, he is presumed to be innocent unless and until the government proves guilt beyond a reasonable doubt. Mr. and Mrs. Brown do not need to produce any evidence whatsoever to prove their innocence. If you are selected as a juror in this case, how many of you will have difficulty applying this rule of law?
2. Have you heard anything about this case from any source whatsoever?
3. How many of you now have any opinion as to Mr. and Mrs. Brown's guilt or innocence?
4. Are you a U.S. Citizen?
5. How many of you feel that you might have some difficulty presuming that Mr. and Mrs. Brown are innocent of the charges against them in this case?
5. Mr. and Mrs. Brown are presumed innocent of the charges against them, and have no obligation to call any witnesses.
6. Do any of you know any of the people in this case?
7. What town or city do you live in?
8. Are any of you, your close family or friends lawyers or law students or have any of you ever studied law in the past?
9. Have any of you, your close family or friends ever worked, either formally or informally, or applied for employment with, a law enforcement agency? By law enforcement agency I mean organizations such as the Police Department, F.B.I., the

State's Attorney's or District Attorney's Office, the United States Attorney's Office, C.I.A., I.R.S., B.A.T.F., Secret Service, Military Police, U.S. Customs Office, GSA Guards, D.C. building police, private security firms and the like?

10. Have any of you (or your close friends or relatives) ever worked for either a Federal or local court system in any capacity?
11. Have any of you ever served on a grand jury or a petit jury (civil or criminal) in either the Federal or a local or state court system?
12. Have any of you ever sat before on a criminal jury. If so, what kind of case was it and what verdict, if any, did the jury reach?
13. Do you feel that the Federal Government is good to the people?
14. Have any of you formed any opinions about either prosecutors or attorneys which would affect you in deciding this case?
15. Is there anything about the nature of this case which you think would make it difficult for you to try the issues fairly and impartially without any prejudice or bias?
16. To reach a verdict, every juror must agree on the verdict. That is, any verdict must be unanimous. In deliberations you must consider the opinions and points of your fellow jurors. In the final analysis, however, you must follow your own conscience and be personally satisfied with any verdict.
17. Would any of you have difficulty expressing your own opinions and thoughts about this case to your fellow jurors?
18. Do any of you feel that you would tend to go along with the majority of jurors even if you did not agree just because you were in the minority?
19. Did you have to testify at any proceeding in or out of court?
What was the result of that proceeding?
20. Have you served as a juror in this Court or any other Court? If so (a) did you deliberate to a verdict and (b) would your previous experiences as a juror tend to influence your decision in this case in any way?
21. Have you always paid your income tax and believe that everyone else should also always pay their income tax?
22. Would you prefer, for any reason, not to sit on this case?
23. If you were to put yourself in the Defendant's place, is there any reason why you would not want someone like yourself to sit on this jury?

24. If you were to put yourself in the prosecutor's place, is there any reason why you would not want someone like yourself to sit on this jury?
25. Is there anything in any of the questions that I have asked you which causes doubt in your mind as to your ability to reach a verdict based upon the evidence offered in this courtroom alone?
26. Do you have any friends or relatives who are judges or attorneys?
27. . This trial is expected to last ____ days. Do you have any reason why you could not serve on this jury for that length of time?
28. Do you know of any reason why you could not serve on this jury if selected?
29. Is there any reason at all why you can't be absolutely fair to the defendants in this case?
30. Having heard all the questions put to you, do you know of any reason why you could not sit on this jury and render a fair verdict based on the evidence presented and the legal instructions I give you?

The presentation of additional voir dire questions is within the discretion of the trial judge. We ask this Court to exercise its discretion in favor of asking these questions. Where a person's liberty is at stake, a small amount of additional time spent in attempting to ensure fairness is well worthwhile.

Respectfully submitted,

Date Feb 9, 2007

Prepared and submitted by:

Elaine A. Brown
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Edward L. Brown
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CERTIFICATE OF SERVICE

I, **Edward L. Brown**, certify that I delivered via hand delivery, a true and correct copy of the above and foregoing **NOTICE AND MOTION** to the office of the Clerk of Court U.S. District Court, District of New Hampshire, at 55 Pleasant St., Concord, NH 03301-0001 for entry into the record and to William E. Morse in the office of THOMAS P. COLANTUONO, the United States Attorney for the District of (NH) located at 53 Pleasant St. Concord, NH 03301-0001.

Date January 8, 2007

Edward L. Brown

Edward L. Brown